

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WARREN DURHAM JR.,) C.A. No. 04-297 E
Plaintiff)
V.)
)
CITY AND COUNTY OF ERIE,)
ET AL. Defendants.)

NOTICE OF APPEAL

COMES NOW, Warren Durham Jr., moving pro se and pursuant to Federal Rules of Appellate Procedure, Rule 3 and 4, gives Notice of his intent to appeal to the United States Court of Appeals for the Third Circuit from the Order entered in this action on March 15, 2007 adopting the Report and Recommendation of United States Magistrate Judge Susan Paradise Baxter as the Opinion of the Court.

Grounds for appeal exist in that Plaintiff's constitutional rights were violated from the denial to a fair trial; failure to train or supervise police officers; malicious prosecution; selecting a bias jury; introduction of false evidence; making defamatory statements to a Erie newspaper; involvement in extortion; and state tort claims.

WHEREFORE, it is respectfully requested that Plaintiff's appeal shall proceed.

Respectfully submitted,

Warren Durham Jr.
WARREN DURHAM JR.

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AFFIDAVIT

COMES NOW, the Affiant undersigned, Warren Durham Jr., and affirm that he is the Plaintiff in the above captioned matter, and avers the above are true and correct subject to Title 18, Section 1621 U.S.C.


WARREN DURHAM JR.
AFFIANT

DATED: 3/19/07

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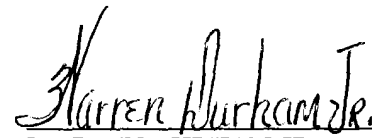
CERTIFICATE OF SERVICE

I, Warren Durham Jr., hereby certify that I am this day serving a true and correct copy of the foregoing "Notice of Appeal" upon the persons named below by FIRST CLASS MAIL, postage prepaid, to:

Mark E. Mioduszewski, Esq.
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WARREN DURHAM JR.
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DATED: 3/19/07